

Per Curiam

DOVE v. UNITED STATES

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 75-543. Decided January 19, 1976

Petitioner's death pending review by certiorari requires dismissal of petition. *Durham v. United States*, 401 U. S. 481, overruled. Certiorari dismissed. See 506 F. 2d 1398.

PER CURIAM.

The Court is advised that the petitioner died at New Bern, N. C., on November 14, 1975. The petition for certiorari is therefore dismissed. To the extent that *Durham v. United States*, 401 U. S. 481 (1971), may be inconsistent with this ruling, *Durham* is overruled.

It is so ordered.

MR. JUSTICE WHITE dissents.